

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ken R. POWELL

Filed: February 1, 2000

Serial No. 09/495,483

For: SYSTEM AND METHOD FOR
PROCESSING DISCOUNTS USING
PORTABLE UNITS CARRIED BY
CUSTOMERS

Assignee: SoftCard Systems, Inc.



Group Art Unit: 3629

Examiner: R. S. WOO

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. 1.56, 1.97, and 1.98, Applicant respectfully submits copies of the documents cited on the attached list, which the Examiner may consider to be relevant to the examination of this application. This Information Disclosure Statement is being filed with a Request for Continuing Examination (RCE) and, to Applicant's knowledge, before a subsequent mailing of a first Office Action on the merits or Notice of Allowance.

The listed documents include certain documents cited in the litigation SoftCard Systems, Inc., v. Target Corporation and Visa U.S.A. Inc, Civil Action File No. 1:03-CV-3585-ODE, U.S. District Court, Northern District of Georgia, Atlanta Division, alleging infringement of U.S. Patent No. 6,067,526, issued from the parent application of the instant application; U.S. Patent No. 6,012,038, issued from the grand parent application of the instant application; and U.S. Patent No. 5,890,135, which incorporates by

reference the grand parent application of the instant application, Application Serial No. 08/603,482.

The undersigned attorney has not studied the listed documents to determine their relevance. He has seen, however, that the listed document DEFENDANTS VISA U.S.A. INC.'S AND TARGET CORPORATION'S MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF SOFTCARD SYSTEMS, INC.'S MOTION FOR PRELIMINARY INJUNCTION. (document 54 filed with the court clerk's office). According to page 18 of document 54, the undersigned attorney "had deceptive intent . . . thereby rendering the entirety of the '526 Patent - including Claim 7 - invalid."

The undersigned attorney has also seen the listed document DEFENDANTS VISA U.S.A. INC.'S AND TARGET CORPORATION'S INVALIDITY CONTENTIONS. (document 69). According to page 1 of document 69, "The identification of prior art anticipating or rendering certain claim limitations obvious under 35 U.S.C. § 102/103 is based on SoftCard System, Inc's ("SoftCard") preliminary interpretation of these claim limitations as gleaned from SoftCard's infringement contentions, and does not waive any ambiguities or deficiencies identified under 35 U.S .C. Section 112."

Document 69 also states, *inter alia*, "See the Prior Art Invalidity Charts submitted herewith in Appendices I, II and III," and "See the § 112 Chart submitted herewith in Appendix IV." For the convenience of the Examiner, Applicant submits copies of APPENDIX I TO DEFENDANTS' INVALIDITY CONTENTIONS (U.S. PATENT 6,012,038), and APPENDIX III TO DEFENDANTS' INVALIDITY CONTENTIONS (U.S. PATENT NO. 6,607,526), as well as documents cited therein.

Applicant respectfully requests that the Examiner consider each listed document and evidence that consideration on the list.

If the Examiner wishes further materials from this litigation, the Examiner is invited to contact the undersigned attorney at 703-684-4840.

Furthermore, a list of other documents filed with the court, as well as the documents themselves, may be viewed at the U.S. District Court web site www.gand.uscourts.gov/Pacer.htm.

This Information Disclosure statement is not a representation that a search has

been made or that no better art exists. This Information Disclosure statement is not an admission that any of the listed documents are Prior Art, or that Applicant necessarily agrees with any statements in the listed documents.

If there are any other fees required for consideration of this Statement that are not enclosed, please charge such fees to the undersigned attorney's Deposit Account No. 10-0077.

Respectfully submitted,


Jerome D. Jackson
Reg. No. 33,186

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DATED: *7 MAY 05*

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Application Number : 09/495,483
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First Named Inventor : Ken R. POWELL
Art Unit : 3629
Examiner Name : R. S. WOO
Attorney Docket Number : 104.005-03

Examiner Initials	Document Number	Publication Date	Name	Filing Date

Examiner Initials OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

DEFENDANTS VISA U.S.A. INC.'S AND TARGET CORPORATION'S
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF SOFTCARD
SYSTEMS, INC.'S MOTION FOR PRELIMINARY INJUNCTION, filed with clerk's office August 5, 2004.

DEFENDANTS VISA U.S.A. INC.'S AND TARGET
CORPORATION'S INVALIDITY CONTENTIONS, filed with clerk's office September 2, 2004.

APPENDIX I TO DEFENDANTS' INVALIDITY CONVENTIONS
(U.S. PATENT 6,012,038), filed with clerk's office September 2, 2004.

Examiner Signature _____ Date Considered _____

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U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Publication Date	Name	Filing Date
	5,710,887	1/ 20/98	Chelliah et al.	8/29/95
	5,855,007	12/29/98	Jovicic et al.	11/15/95
	5,353,218	10/4/94	De Lapa et al.	9/17/92
	5,708,782	1/13/98	Larson et al.	12/2/94
	5,176,224	1/5/93	Spector et al.	9/28/89
	5,594,493	1/14/97	Nemirofsky et al.	1/19/94

**Examiner
Initials**

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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APPENDIX III TO DEFENDANTS'

INVALIDITY CONTENTIONS (U.S. PATENT NO. 6,607,526), filed with clerk's office Sept. 2, 2005.

"Warner Bros. Online opens entertainment multiplex on the World Wide Web," Business Wire, January 17, 1996.

"Pouring cash into the Internet," Wilder, Clinton, InformationWeek, No. 560, January 1, 1996.

"ON Technology launches first World Wide Web catalog focusing exclusively on tools for Novell networks," PR Newsire, August 11, 1995.

"Catalink Direct's 'Online PC Catalog' adds web service," Newsbytes News Network, April 7, 1995.

"Spinning a better web. (Internet computer network)," Technology Review, Massachusetts Institute of Technology Alumni Association, Vol. 98, No. 3, April 1, 1995.

"North American CAD opens Internet storefront," Newsbytes News Network, March 3, 1995.

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"Sony launches web online offering," Newsbytes News Network, February 16, 1995.

"Carriers set their sights on managed services for carriers to strike outsourcing gold, net managers will have to buy what they're Belting," Robin Gareiss, Data Communications, Vol .23, No. 17, November 21, 1994.

"Ready for the online bookstore?," Publisher's Weekly, Vol. 241, No. 38, September 19, 1994.

"Web-Server challenge management roles get complicated as servers proliferate," R. Scott Raynovich, LAN Times, Vol. 13, No. 2, January 22, 1996.

MMAC's Viewpoint Systems enters agreement with Boca Research, Multimedia Networking Newsletter, Multimedia Networking Newsletter, Vol. 3, No 12, January 15, 1996.

Merging Technologies For Companies to Alter Strategy, Data Channels, Vol. 22, Issue: 24, November 20, 1995.

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Digital Adds Team Collaboration to the Internet, Law Technology Product News, Vol. 2, No. 12, December 1995.

Digital Building a sense of community on the Net, Frentzen, Jeff, PC Week, V01, 12, No. 48, December 4, 1995.

HARDWARE: Plug and play security solution, dot.COM, Vol. 2, No./ 10, January 1, 1996.

Hat IPO Pace is expected to resume, Molly Baker, The Wall Street Journal, January 2, 1996.

Tools help iron out security wrinkles, Corner, Louis, No. 592, January 15, 1996.

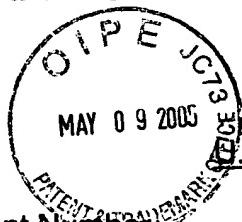
QCI/Recall. (Centerline Software's debugging/testing software)(Brief Article)(Product Announcement }, January 24, 1996.

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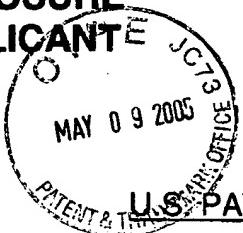
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	60/009,244		Scroggie et al.	12/26/95
	5,884,277	3/16/99	Khosla	5/1/95
	5,710,887	1/20/98	Chelliah et al.	8/29/95
	5,799,157	8/25/98	Escallon	12/13/94
	5,802,320	9/1/98	Baehr et al.	5/18/95
	5,519,704	5/21/96	Farinacci et al.	4/21/94
	5,802,278	9/1/98	Isfeld et al.	1/23/96

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	3,959,624	5/25/76	Kaslow	12/13/74
	5,249,044		Von Kohorn et al.	5/9/92
	5,789,732	8/4/98	McMahon et al.	6/8/95

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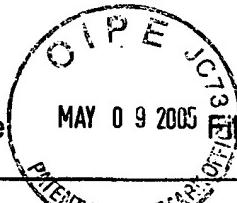
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	4,882,675	11/21/89	Nichtberger et al.	11/26/84



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